
EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u> ___ All Child Care Evaluator Manual Holders <u>X</u> All Residential Care Evaluator Manual Holders ___ All Evaluator Manual Holders	<u>Transmittal No.</u> 10RCFE-01
	<u>Date Issued</u> February 2010

Subject:

Evaluation Manual for Residential Care Facilities for the Elderly
Section 87405 - Administrator - Qualifications and Duties

Reason for Change:

Amend Section 87405.

Filing Instructions:

REMOVE – Pages 59 and 60

INSERT – Pages 59 and 60

Approved:

Original Document Signed by
Seton Bunker for Thomas Stahl

2/16/10

THOMAS STAHL Chief
Policy Development Bureau
Community Care Licensing Division

Date

Contact Person: Charles Boatman

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PROCEDURE (Continued)

As a plan of correction, the licensee was instructed to fax and/or deliver the Confirmation of Removal form to the Regional Office by (date). Verification has not been received and the deficiency is not cleared.

Please review this report, make any comments you wish, sign, make a copy for your records, and mail the original back to the Regional Office by (date) at: (note Regional Office and mailing address.)”

A. If the licensee or designee states that the individual has not been removed from the facility, the Licensing Program Analyst will:

1. Inform the licensee or designee that the individual must be removed from the facility that day and that failure to comply with the order to remove the individual is grounds for administrative action against the license.
2. Inform the licensee or designee that citations for failure to remove the individual and failure to return the Confirmation of Removal form will be issued by mail, unless a site visit is made to issue the citation (see C. below).
3. Follow steps A. 2. – 5. above. Add a citation for violation of Section 87356(a) for failure to remove the individual when ordered to by the Licensing Agency.

B. The Licensing Agency always reserves the right to make a visit to a facility to determine if an individual has been removed from the facility. If at any time the Licensing Program Analyst has reason to believe that the individual is still working or residing in the facility, the analyst must consult with the Licensing Program Manager to determine if and when an on-site visit is necessary to investigate the situation. If it is determined that the individual is still working or residing in the facility during the visit, then the Licensing Program Analyst will:

1. Inform the licensee or designee that the individual must be removed from the facility that day, and failure to comply with the order to remove the individual is grounds for administrative action against the license.
2. Issue a citation for violation of Section 87356(a) for failure to remove the individual.
3. Consult with the Licensing Program Manager or County Licensing Supervisor to initiate the appropriate administrative action (revocation and/or temporary suspension order).

ARTICLE 7. PERSONNEL**87405 ADMINISTRATOR – QUALIFICATIONS AND DUTIES****87405**

(a) **POLICY**

The licensing agency may require the administrator/licensee to spend additional hours in the facility when it is documented and substantiated that a facility has not been administered according to the regulations, or that the administrator/licensee has not fulfilled his/her responsibilities.

87405 ADMINISTRATOR – QUALIFICATIONS AND DUTIES**87405****(a) POLICY (Continued)**

This would typically occur after the facility has received repeated citations for the same violation. The licensing agency is responsible for evaluating each situation and making case-by-case determinations based on the type and number of violations. As there are no guidelines for the number of hours the administrator/licensee is required to spend in the facility, that would be negotiated between the licensee and the licensing agency. (See Reference Material Section 1-0100.)

Substitutes are not required to meet the education, **certification** and experience requirements for an administrator in Regulation Sections 87405(e) and (f). Substitutes must be able to meet the requirements and responsibilities of Regulation Sections 87405(b), 87405(d)(1) through (7) and (i)(1) through (8), and must be held accountable for the facility operation in the administrator's absence. This includes maintenance and supervision of resident cash resources, personal property and valuables entrusted to facility staff. If a resident does not have ready access to his/her money, or if reasonable access is not made available, it is a violation not only of residents' rights but also of the administrator's responsibilities. [See Regulation Section 87405(d)(3).] However, it would be acceptable for a licensee to establish reasonable business hours during which time residents' money would be made available to them (e.g., not past 10 p.m.).

PROCEDURE

Review facility records and interview other staff and residents as appropriate to determine if the administrator is in the facility and spending an adequate number of hours there to ensure the operation and management of the facility as specified in Regulation and Regulation Interpretations Section 87405(a). Document findings on the Facility Evaluation Report (LIC 809) and other supportive reports as required.

Determine by review of the Personnel Record (LIC 501) and work schedule that the designated substitute administrator(s) is/are qualified and scheduled to provide coverage in the absence of the administrator.

(d) POLICY

There is no formal experience required for administrators of facilities with a licensed capacity of fewer than 16 residents, providing the administrator has completed a 40-hour certification program prior to licensure. However, administrators or applicants of these facilities are still required to have the knowledge and abilities required to properly run the facility. This means that once an administrator is employed, this knowledge and these abilities must be continually demonstrated by the proper running of the facility. Based upon